

CHAITMAN LLP

Helen Davis Chaitman

Gregory M. Dexter

465 Park Avenue

New York, New York 10022

Phone & Fax: 888-759-1114

hchaitman@chaitmanllp.com

gdexter@chaitmanllp.com

Attorneys for Defendants

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION

CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-1789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC

Plaintiff,

v.

KENNETH W. PERLMAN, FELICE J. PERLMAN,
and SANFORD S. PERLMAN,

Defendants.

Adv. Pro. No. 10-04541(SMB)

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC

Plaintiff,

v.

Adv. Pro. No. 10-04914 (SMB)

EDYNE GORDON, in her capacity as the Executrix
and primary beneficiary of the ESTATE OF ALLEN
GORDON,

Defendant.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC

Plaintiff,

v.

TOBY HARWOOD,

Defendant.

Adv. Pro. No. 10-04818 (SMB)

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC

Plaintiff,

v.

ESTATE OF BOYER PALMER, DIANE HOLMERS,
in her capacity as Personal Representative of the Estate
of Boyer Palmer, and BRUCE PALMER, in his capacity
as Personal Representative of the Estate of Boyer
Palmer,

Defendants.

Adv. Pro. No. 10-04826 (SMB)

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC

Plaintiff,

v.

RUSSELL L. DUSEK,

Defendant.

Adv. Pro. No. 10-04644 (SMB)

DECLARATION OF HELEN DAVIS CHAITMAN

I, Helen Davis Chaitman, hereby declare, as follows:

1. I am a partner with Chaitman LLP, counsel to Defendants Felice J. Perlman, Sanford S. Perlman, Edyne Gordon, in her capacity as the Executrix and primary beneficiary of

the Estate of Allen Gordon, Toby Harwood, Estate of Boyer Palmer, Diane Holmers, in her capacity as Personal Representative of the Estate of Boyer Palmer, and Bruce Palmer, in his capacity as Personal Representative of the Estate of Boyer Palmer, and Russell Dusek (“Defendants”). I am a member of the bars of New York and New Jersey, and of this Court.

2. I submit this declaration in support of Defendants’ request for a pre-motion conference or, in the alternative, for permission to file a motion for a protective order and to quash.

3. I have attempted in good faith to resolve these discovery disputes with the Trustee, to no avail.

4. Attached hereto as **Exhibit A** is a true and accurate copy of the Notice of Deposition of Defendant Sanford Perlman dated August 26, 2016.

5. Attached hereto as **Exhibit B** is a true and accurate copy of the Notice of Deposition of Defendant Felice Perlman dated August 26, 2016.

6. Attached hereto as **Exhibit C** is a true and accurate copy the Notice of Deposition of Defendant Edyne Gordon dated August 26, 2016.

7. Attached hereto as **Exhibit D** is a true and accurate copy of the Notice of Deposition of Defendant Toby Harwood dated August 26, 2016.

8. Attached hereto as **Exhibit E** is a true and accurate copy of the Notice of Deposition of Personal Representative of Defendant Estate of Boyer Palmer dated August 26, 2016.

9. Attached hereto as **Exhibit F** is a true and accurate copy of the Notice of Deposition of Defendant Russell Dusek dated August 26, 2016.

10. Attached hereto as **Exhibit G** is a true and accurate copy of email correspondence between Helen Davis Chaitman and Marie L. Carlisle regarding deposition notices.

11. Attached hereto as **Exhibit H** is a true and accurate copy of Responses and Objections of Defendant Felice Perlman to Trustee's First Set of Interrogatories dated June 3, 2016.

12. Attached hereto as **Exhibit I** is a true and accurate copy of email correspondence from Helen Davis Chaitman to Marie L. Carlisle regarding the depositions of Sanford Perlman and Felice Perlman.

13. Attached hereto as **Exhibit J** is a true and accurate copy of Amended Responses and Objections of Defendant Bruno L. DiGiulian to Trustee's First Set of Interrogatories dated August 19, 2016.

14. Attached hereto as **Exhibit K** is a true and accurate copy of email correspondence between Helen Davis Chaitman and Marie L. Carlisle regarding the deposition of Patsy DiGiulain.

15. Attached hereto as **Exhibit L** is a true and accurate copy of the Trustee's subpoenas to be served on Defendant Russell Dusek's financial institutions Goldman Sachs & Co. and Citibank, N.A.

16. Attached hereto as **Exhibit M** is a true and accurate copy of the Trustee's subpoena to be served on Defendant Russell Dusek's financial institution Fiserv, Inc.

17. Attached hereto as **Exhibit N** is a true and accurate copy of excerpts from the hearing before Judge Bernstein on July 6, 2016.

18. Attached hereto as **Exhibit O** is a true and accurate copy of excerpts from the hearing before Judge Bernstein on March 23, 2016.

Dated: New York, New York
September 14, 2016

/s/ Helen Davis Chaitman
Helen Davis Chaitman

CERTIFICATE OF SERVICE

I hereby certify that on September 14, 2016, I caused a true and correct copy of the foregoing document to be served upon the parties in this action who receive electronic service through CM/ECF and by electronic mail upon:

BAKER & HOSTETLER LLP

45 Rockefeller Plaza
New York, New York 10111
Telephone: 212.589.4200
Facsimile: 212.589.4201
David J. Sheehan, Esq.
Email: dsheehan@bakerlaw.com
Marie L. Carlisle, Esq.
Email: mcarlisle@bakerlaw.com
Rachel M. Smith, Esq.
Email: rsmith@bakerlaw.com
Dean D. Hunt, Esq.
Email: dhunt@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Estate of Bernard L. Madoff*

CHAITMAN LLP

By: /s/ Helen Davis Chaitman
465 Park Avenue
New York, NY 10022
Phone & Fax: 888-759-1114
hchaitman@chaitmanllp.com

Attorneys for Defendants